

AUSTRALIA

Patents Act 1990

IN THE MATTER OF Australian Patent
Application No. 2004249786

-and-

IN THE MATTER OF Opposition thereto by
Dura-Post (Aust.) Pty Ltd

STATUTORY DECLARATION

I, Gabriel Tana of Unit 24, No 1 Bay Drive Meadowbank NSW 2114
make the following declaration under the Statutory Declarations Act 1959:

1. I am the General Manager - Sales and Marketing for Rondo Building Services Pty Ltd ("Rondo"). Ezy-Drive Roadside Products ("Ezy-Drive") is a division of Rondo specializing in the manufacture and distribution of roadside post and marker systems.
2. A significant part of Ezy-Drive's business is in the distribution of roadside guide posts. Prior to May 2004, Ezy-Drive's range of roadside guide posts was made up of rigid steel posts (sometimes referred to as semi-rigid steel posts) and flexible plastic posts. Prior to May 2004, rigid steel posts constituted approximately 80% of Ezy-Drive's total unit sales of guide posts.
3. In May 2004, Ezy-Drive became the exclusive Australian distributor of a new flexible guide post formed of sheet spring steel manufactured by Delnorth Pty Ltd ("Delnorth") and known as the "Steel-Flex" guide post. A copy of an Ezy-Drive brochure depicting and describing the Steel-Flex guide post is annexed hereto as Exhibit GT-1.
4. The Steel-Flex guide post was described by many in the industry as "the perfect post" when it was first demonstrated by Ezy-Drive, and achieved immediate success in the Australian roadside products market. Annexed hereto as Exhibit GT-2 is a graph depicting Ezy-Drive's relative unit sales in Australia of plastic, rigid steel and Steel-Flex guide posts for the 2004, 2005, 2006 and 2007 financial years, each ending on 30 June. The raw unit sales numbers have been normalized against the total number of guide post sales for

financial year 2005, providing relative unit sales whilst maintaining confidentiality of the commercially sensitive raw data. I have estimated the 2004 raw unit sales figures based on Ezy-Drive's reported total sales revenue for guide posts and my knowledge of Ezy-Drive's guide post product mix that year as exact raw unit sales figures are no longer available for 2004.

5. In financial year 2005, being the first full financial year of distribution of Steel-Flex guide posts, unit sales of the Steel-Flex guide post overtook the combined sales of plastic guide posts and rigid steel guide posts, with the Steel-Flex guide posts representing 52% of Ezy-Drive's total unit sales of guide posts. Unit sales of rigid steel posts fell by 49% during 2005, whilst unit sales of plastic posts declined by 19% during the same period. Even given the decreased unit sales of rigid steel and plastic guide posts, the immediate success of the Steel-Flex guide posts resulted in total unit sales for 2005 increasing by 12%. The immediate success of the Steel-Flex guide post did not need to rely on any introductory aggressive pricing, with the Steel-Flex guide post being sold at a premium beyond the unit sales price of both plastic guide posts and rigid steel guide posts. As a result, apart from outselling the other types of guide posts in unit sales, the Steel-Flex guide post represented 66% of Ezy-Drive's total guide post revenue in financial year 2005 and contributed to a total Ezy-Drive guide post revenue growth of 40% for that year. In 2005, Steel-Flex guide posts were sold to a total of 201 customers of Ezy-Drive, representing 62% of the customers to whom guide posts were sold during that year.
6. Part way through financial year 2006, a competitor of Ezy-Drive, Dura-Post (Aust.) Pty Ltd ("Dura-Post"), entered the Australian market with a flexible steel guide post formed of sheet spring steel, known as the "Flexi-Steel" guide post, which is substantially identical to the Steel-Flex guide post.
7. Even with the direct competitive entry of the Flexi-Steel guide post, sales of the Steel-Flex guide post continued to increase in 2006, increasing by 53% in terms of unit sales. During 2006, Steel-Flex guide posts represented 60% of Ezy-Drive's total guide post unit sales and 73% of total guide post revenue.

8. In financial year 2007, during which Dura-Post continued to distribute the Flexi-Steel guide post, the unit sales of Steel-Flex guide posts stabilised, representing 59% of total guide post unit sales and 72% of total guide post revenue.

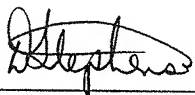
I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Declared at ST MARYS on 30th of October, 2007

Before me:



Signature of Declarant

 I-P.

Signature of Authorised Witness

Donna Stephenson
A Justice of the Peace in and for
the State of New South Wales
No. 101259

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THIS IS Exhibit GT-1 referred to in the Statutory Declaration of Gabriel Tana made
before me

DATED this 30th Day of October, 2007

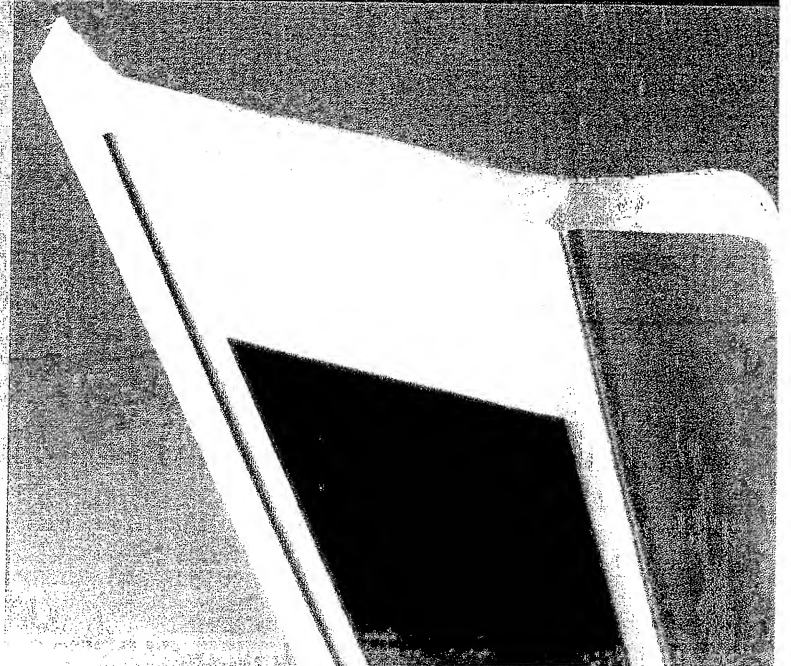
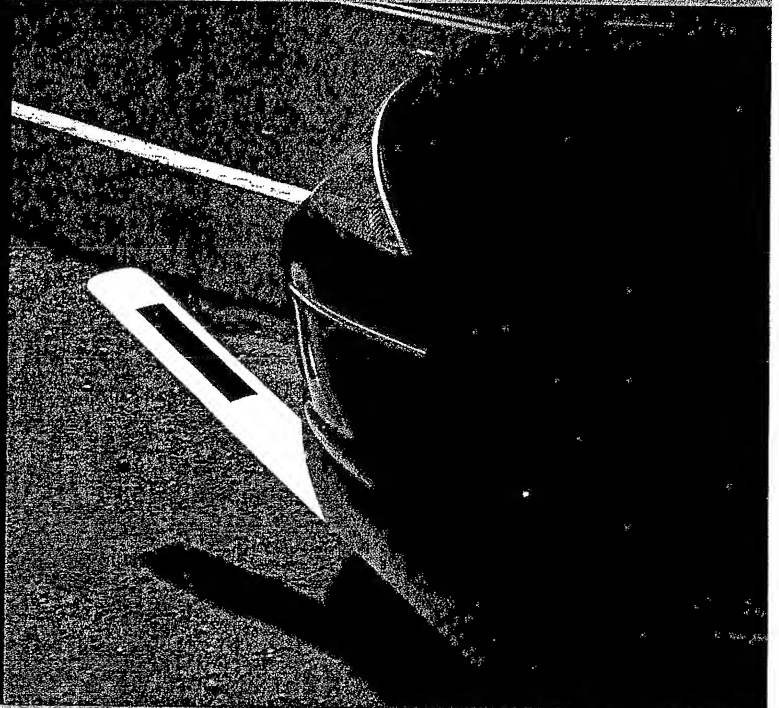
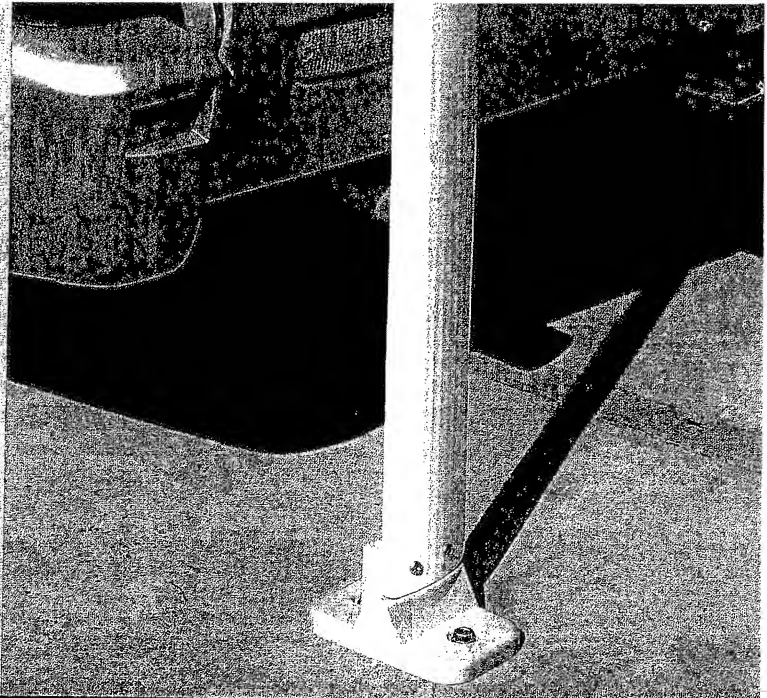
.....*Donna Stephenson J.P.*.....

Donna Stephenson
Justice of the Peace in and for
the State of New South Wales
No. 101259

EZY-DRIVE®
GUIDE POSTS



EZY-DRIVE
ROADSIDE POST PRODUCTS



EZY-DRIVE GUIDE POSTS

STEEL-FLEX® IN-GROUND POSTS

UNUSUALLY STRONG. INCREDIBLY FLEXIBLE.

The Ezy-Drive STEEL-FLEX® post is a unique, one piece, fully flexible guidepost, capable of withstanding repeated impacts and wheel-overs many more times than the traditional design "flexible" posts. The unique flexible capabilities of STEEL-FLEX® results in only minimal damage to the post, and only light scuffing to the vehicle, even at high speed impacts and wheel-overs. Because it is made from steel, it will not burn, droop, splinter or shatter. Installed correctly, the Ezy-Drive STEEL-FLEX® post will not dislodge, fracture, or crack on impact. It is virtually maintenance-free and has far superior life expectancy. The STEEL-FLEX® post's flexibility and unique dual retention barb make unauthorised removal extremely difficult.

The high grade, high gloss, polyester powder coated finish has exceptional UV resistance to prevent fading or discolouring and remains unaffected by extremes in temperature.

The hot dipped galvanised anti-corrosive pre-treatment gives the Ezy-Drive STEEL-FLEX® post added durability, even in extreme coastal conditions.

Ezy-Drive STEEL-FLEX® is manufactured to quality management system AS/NZS ISO 9001 and complies with AS1742.2-1994 and TNZ M/14:2004. Its weathering characteristics have been tested to:

ASTM D-2794: Impact Resistance
ISO 2815: Adhesion
ASTM B-117: 2000 hour Salt Spray test. (Passed Category 5.)

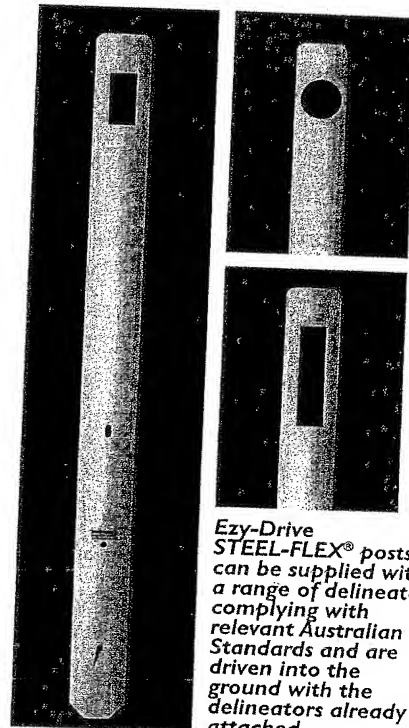
A WORLD-FIRST DEVELOPMENT IN GUIDE POST DESIGN

Combining the strength of steel with the flexibility of world-first technology, the Ezy-Drive STEEL-FLEX® post is manufactured from a specially-developed 1.2mm flexible steel that is designed and

engineered to return to vertical automatically after a vehicle impact, and – even in wind speeds of up to 162 kph – will not deflect more than 30mm from vertical. In real-life impact tests, even after a car was driven over an Ezy-Drive STEEL-FLEX® post ten times at 80kph, and twice more at 100kph – as well as being subjected to a complete wheel-over – all that was needed was a wipe over for minor scuffing, as well as the simple replacement of a slightly damaged delineator.

EVEN EASIER TO INSTALL WITH OUR PNEUMATIC DRIVER

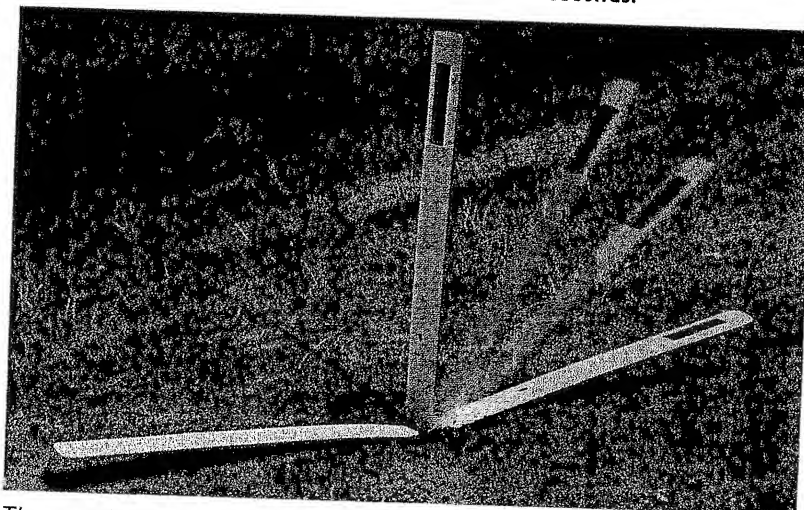
The Ezy-Drive STEEL-FLEX® post utilises a special installation technique to ensure its amazing flexibility in a direct wheel-over. A small section of ground is removed to allow the bend radius to form. Following installation, this can be filled with sand if required. Using either the manual driver or our effortless pneumatic driver, the post is then driven into the ground to a depth of 400mm, providing stability and alignment. With the pneumatic driver, it takes about 20 seconds to install and can be driven into even the hardest of road shoulders, including asphalt and chip seal, as well as compacted ground.



Ezy-Drive STEEL-FLEX® posts can be supplied with a range of delineators complying with relevant Australian Standards and are driven into the ground with the delineators already attached.



With the effortless Pneumatic Driving Kit, posts are installed in around 20 seconds.



The amazing Ezy-Drive STEEL-FLEX® post bends up to 90° in both directions and springs back to vertical without breaking or splintering.

EZY-DRIVE ROADSIDE POST PRODUCTS

EVERYTHING YOU NEED FROM ONE COMPANY

A RANGE AS BIG AS OUR COUNTRY

Whether you need steel or plastic guide posts, semi-rigid or flexible posts, delineators, utility markers or road safety signs, Ezy-Drive has the perfect product for every situation. By utilising the Ezy-Drive Road Management System, you can put together the safest, most cost-efficient, practical and simple to install system that will suit your needs, with the minimum of fuss.

SAFER, IN MORE WAYS THAN ONE

Nothing is more important to us than the safety of our products. That's why all our products are designed to meet relevant standards and therefore maximise the safety factor. Requiring only 32N (8lb) pressure to bend the post to a 90 degree angle, the Ezy-Drive STEEL-FLEX® guide post is the safest post to have on your roads. Using either the lightweight manual driver with spring loaded handles to eliminate jarring, or the effortless pneumatic driving kit, Ezy-Drive STEEL-FLEX® posts are easy, safe and fast to install. Because of its unique design, the Ezy-Drive STEEL-FLEX® post will drive through even the hardest of ground conditions. The Ezy-Drive universal manual driver comes complete with 500mm long, custom fit guides that will improve installer safety and post positioning. The STEEL-FLEX® post is one piece – no hinge, no nuts and bolts, no sharp edges and no assembly required. Lightweight boxes of ten weighing only 14.5 kgs minimise storage space and are easy to transport to the job site by one person. Clear installation instructions are included with every box.

Manufactured to comply with the latest standards, our stick-on delineators are both highly adhesive and clearly visible in all conditions. Combine this with the high gloss white powder coated finish over a hot dip galvanised anti-corrosive pretreatment, and you have a guide post that will outlast and out perform any other post currently on the market. On top of all that, you have the added security of dealing with Australia's largest manufacturer of light gauge roll-formed steel products for the construction industry: Rondo.



BACKED BY RONDO, ONE OF AUSTRALIA'S LEADING MANUFACTURERS

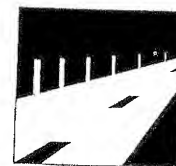
As a subsidiary of Rondo Building Services – itself a joint venture between CSR Investments Pty Ltd and Boral Australian Gypsum Ltd – Ezy-Drive utilises the world's best roll-forming and pivate coil processing lines which outputs the highest quality product every time. As the leader in its field, Rondo has its head office in St Marys, NSW, and offices across Australia and New Zealand as well as operating in export markets throughout the Asia/Pacific region. With this background, Ezy-Drive is committed to creating innovative roadside products, and focussed

on the safety, quality, and efficiency of every product we supply. As an environmentally conscious company, we also strive to conduct our operations – from paper recycling in the office to re-using product material in the factory – in the most environmentally responsible manner (refer to our *Environmental Statement* for more information).

OUR WRITTEN GUARANTEE

As Australasia's leading manufacturer and supplier of high quality post and marker systems, we give you peace of mind with a written guarantee.

The products supplied by Ezy-Drive Roadside Post Products are warranted to be free from defects in material and workmanship. Ezy-Drive will replace and/or repair any product found to be defective, if installed in accordance with our technical literature and standard guarantee details. This warranty is in addition to any rights the customer may have by law. All Ezy-Drive products are designed to satisfy relevant standards.



EZY-DRIVE
ROADSIDE POST PRODUCTS

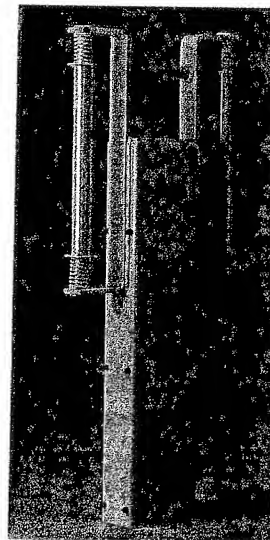
SEMI-RIGID STEEL POSTS

DESIGNED TO BE EZY TO INSTALL, EZY TO MAINTAIN

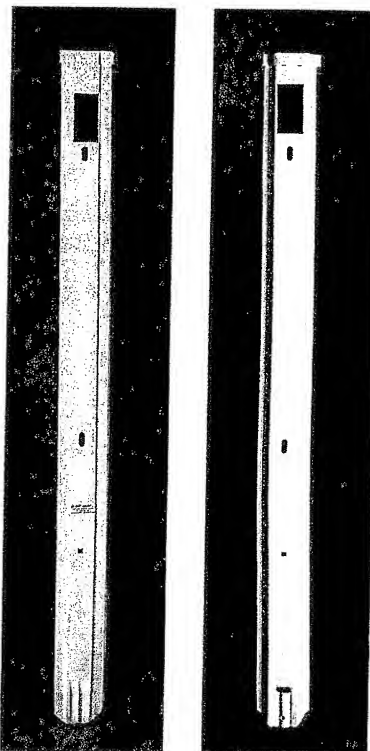
Installing Ezy-Drive Posts is a quick and easy one-person operation, using either our ergonomic manual or pneumatic driving kits. Our steel posts feature a depth marker hole to indicate the minimum depth requirement, as well as multiple corrugated driving points to make installation even easier. Clearly marked with its contents, all guide posts are packaged into easy-to-carry boxes. This also minimises possible damage to the posts during transit. Because they can be restraightened many times before replacement, Ezy-Drive posts are extremely cost-efficient, and their high-quality finish makes them incredibly durable – a fact that has been tested under extreme weather conditions on three continents.

EZY-DRIVE SEMI-RIGID GUIDE POSTS

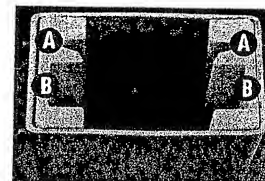
Manufactured from high-tensile steel and powder coated to a minimum thickness of 100 microns, our steel posts have exceptional UV resistance and superior weathering characteristics to guarantee a long corrosive-free life. Available in a choice of either Ezy-Drive or Straight-Edge design, the posts come with 12mm slot holes for the fixing of temporary signage. Safety end caps and rolled edges are another feature of our semi-rigid steel posts. On impact, the Ezy-Drive rolled edge post is designed to collapse to the left, away from oncoming vehicles, and can be restraightened many times before they need replacing.



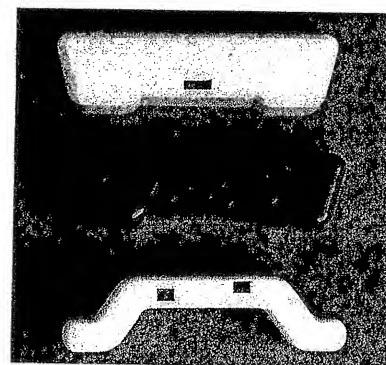
With the specially-designed Ergonomic Driving Kit, installation is a simple and easy one-person process. Designed with the operator in mind, its spring-loaded handles minimise jarring and make driving all Ezy-Drive posts a quick and efficient operation



Semi-rigid guide posts are available in a choice of either Ezy-Drive Rolled Edge (shown above on left) or Straight Edge designs.



*View of base of Universal Post Driver, showing guides for:
A: Straight Edge/STEEL-FLEX® post.
B: High Tensile/marker posts.*



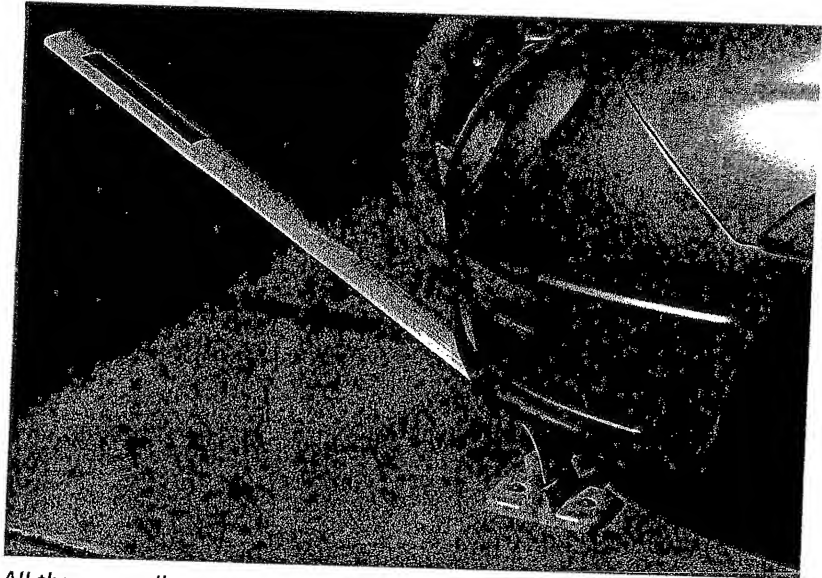
Snap-on UV-stabilised safety end caps are a feature of all Ezy-Drive steel guide posts

STEEL-FLEX® SURFACE-MOUNTED POSTS

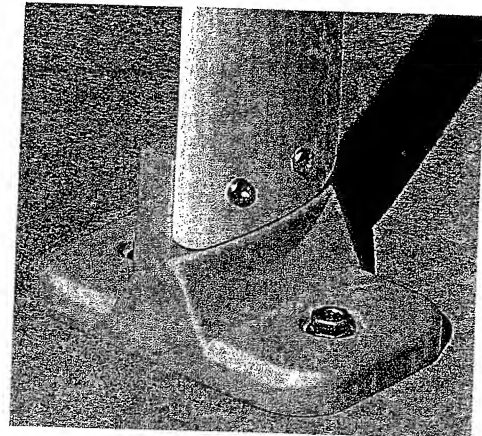
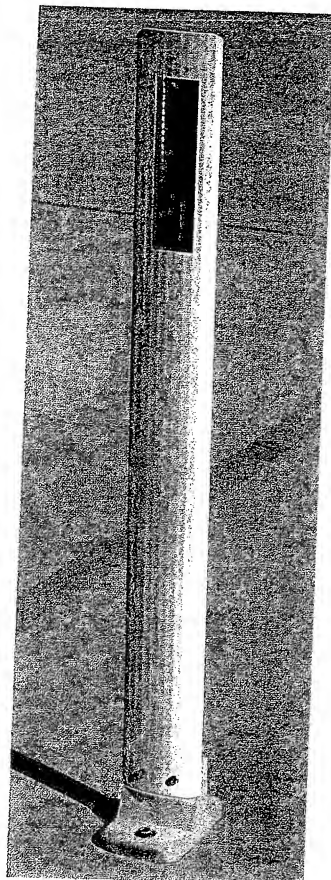
FOR USE WHEREVER IN-GROUND INSTALLATION IS DIFFICULT

The Ezy-Drive STEEL-FLEX® surface-mounted post is ideal for use on concrete verges and kerbs on tollways, freeways and highways, narrow bridge edges and approaches, floodways, carparks, airports, shopping centres, industrial and commercial parking areas, factories and warehouses, footpaths and cycleways, on/off ramps... in fact, anywhere that in-ground installation is either difficult or impractical.

The fully flexible hinge is made from a super-tough, durable UV-stabilised urethane and is attached to the STEEL-FLEX® post with vandal-resistant fasteners that will not dislodge on impact. Easy to install with just two dynabolts or loxins, the surface-mounted STEEL-FLEX® post comes pre-assembled with delineators fitted.



All the unusually strong and incredibly flexible benefits of STEEL-FLEX® – with the added advantage of a fully-flexible surface-mount hinge



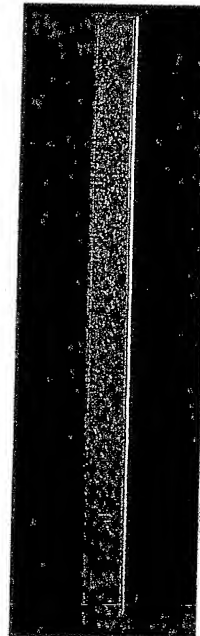
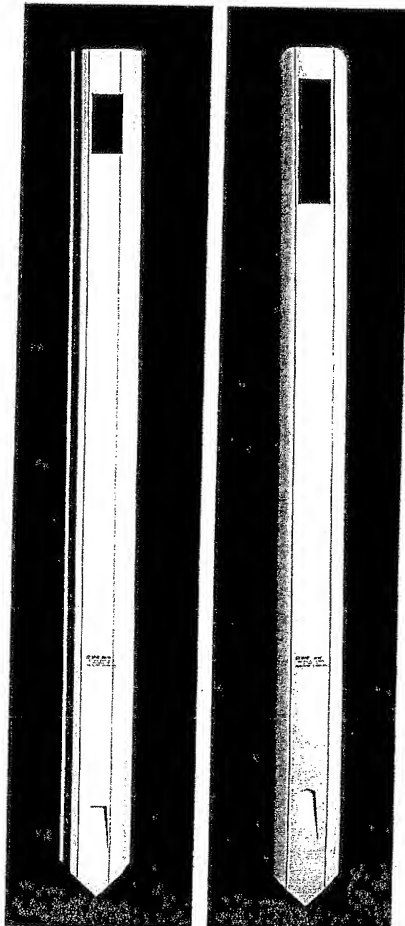
EZY-DRIVE GUIDE POSTS

PLASTIC POSTS

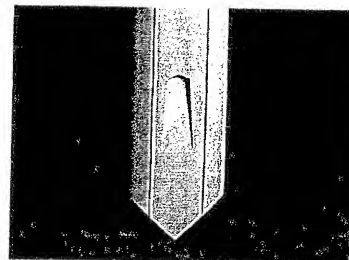
EZY-DRIVE PLASTIC GUIDE POSTS

For areas with a low to medium guidepost attrition rate, Ezy-Drive Plastic Posts are a practical, flexible alternative to semi-rigid steel. Manufactured from specially formulated UV stabilised PVC which can be cleaned repeatedly, Ezy-Drive Reboundable Plastic Posts offer long term durability under Australia's harsh conditions. Designed to return to vertical after repeated impacts with virtually no damage, Ezy-Drive Plastic Posts are easily installed using the Ergonomic Manual Driver and Steel Pilot Post. Alternatively, they can be driven in after the ground hole has been dug or augered. To prevent unauthorised removal, Ezy-Drive Plastic Posts feature a ground lock retention barb. Available in 4mm, 5mm and 8mm thicknesses at 1400mm long, Ezy-Drive Plastic Posts come complete with delineators fitted.

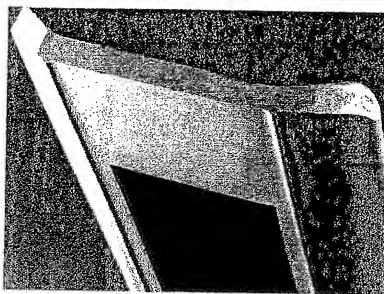
Top left is the 4mm Ezy-Drive Reboundable Plastic Post. Shown top right is the 5mm post and on the right is the 8mm post.



Ezy-Drive plastic posts are easily installed using our special pilot post (left).



Ezy-Drive Reboundable posts feature a retention barb which locks the posts into the ground (above).



EZY-DRIVE
ROADSIDE POST PRODUCTS

www.ezydrive.com.au

CUSTOMER SERVICE HOTLINE: 1300 137 742. Fax: 1300 137 743 • HEAD OFFICE: PO Box 324 St Marys NSW 1790 • NSW: 3-33 Glossop Street St Marys NSW 2760
VICTORIA: 12-14 Dunlop Road Mulgrave VIC 3170 • QUEENSLAND: Lot 512 Binary Street Yatala QLD 4207
SOUTH AUSTRALIA: 39 George Street Greenfields SA 5107 • WESTERN AUSTRALIA: 5 Hazelhurst Street Kewdale WA 6105
NEW ZEALAND: 117A Captain Springs Road Onehunga Auckland. Telephone: 64 9 636 5110

EZY-DRIVE® is a registered trademark of Rondo Building Services Pty Ltd. ABN 69 000 289 207. STEEL-FLEX® is a registered trademark of Delnorth Pty Ltd ABN 26 051 954 977. Patent Pending.

This brochure was printed on environmentally friendly recycled paper. SEPTEMBER 2007

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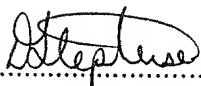
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Donna Stephenson
A Justice of the Peace in and for
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No. 101239

Ezy-Drive guide post sales

